APPENDIX H: OTHER INFORMATION

Cardno
Shaping the Future

NIGHTCAP URBAN VILLAGE

Contaminated Land Assessment

10 June 2008
Job No. 3500/53

Peter Van Lieshout

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Document Control

Version	Date	Author		Reviewer	
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1	1 February 2008	Cherie O'Sullivan	COS	Catriona Sutcliffe	CS
2	14 February 2008	Cherie O'Sullivan	COS	Catriona Sutcliffe	CS
3	10 June 2008	Cherie O'Sullivan	COS	Pauline Jacob	PRJ.

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NIGHTCAP URBAN VILLAGE
CONTAMINATED LAND ASSESSMENT

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APPENDICES

APPENDIX A Contaminated Lands Investigation
APPENDIX B Planning Certificates under Section 149 of the EPA Act
APPENDIX C Contaminated Land Record for Tweed Shire

1. INTRODUCTION

This Contaminated Land Assessment has been prepared on behalf of Peter Van Lieshout for Lot 3 on DP771335, Lot 4 on DP737440, Lot 121 on DP134446, Lot 3 on DP 755714 and Lot 34 on DP 755714 located on the Uki-Kyogle Road, Kunghur, Tweed Shire (the site).

The objectives of this assessment is to undertake a desktop review of available information to determine whether the site contains contaminated land or has a history of activities that would cause land contamination.

This investigation has collated available information required by the Tweed Shire Council (Council) Contaminated Land Policy adopted 15 December 2004 (the Policy), to determine the likelihood of land contamination. The results are based on a search of Council and New South Wales Environmental Protection Agency (EPA) records, interrogation of historical aerial photography and an examination of topographical information.

It is relevant to note that the EPA has been absorbed by the Department of Environment and Climate Change (DECC), however, DECC acts under the powers of the statutory Environment Protection Authority for regulatory matters for environment protection. Both EPA and DECC are interchanged throughout this document as appropriate.

2. SITE DESCRIPTION

The site is described as Lot 3 on DP771335, Lot 4 on DP737440, Lot 121 on DP134446, Lot 3 on DP 755714 and Lot 34 on DP 755714 encompassing a total area of 434 ha. The site is located on the Uki-Kyogle Road, 12 km south-west of Uki and is situated on the Tweed River in the valley between Mt Warning and the Nightcap Ranges. A plan of the site's locality is presented as Figure 1.

The site is bound to the:

- south by Uki-Kyogle Road and to the south-west by a native plantation forest;
- north by partially cleared land and existing rural dwellings;
- east by partially cleared land and the Uki-Kyogle Road; and
- west by bushland.

The site is elevated at approximately 100m Australian Height Datum (AHD). The southern sectors of the site are traversed by the Tweed River which flows in an easterly direction across the site.

The majority of the site is highly disturbed as a consequence of past vegetation clearance events.

Pursuant to the *Tweed Local Environment Plan 2000* ("*Tweed LEP*") parts of Lot 121 on DP134446 (Lot 121) have a 2(d) Village designation which is classified as a Residential area with the remainder of the site zoned for a 1(a) Rural designation under the *Tweed LEP*.

No information on zonings of the land under previous planning schemes was available for this report.

3. PROPOSED LAND USE

Peter Van Lieshout proposes to develop the parts of Lot 121 within the site with the Nightcap Rural Village, a residential development in accordance with the "2(d) Village" designation under the *Tweed LEP*. The Nightcap Rural Village would consist of:

- Village Lots;
- Village Housing precinct;
- Mixed Village precinct;
- Tourism and Special Uses areas;
- Open Space areas (Village Green, Sports Display, Market Garden);
- Environmental Open Space;
- two centrally located dams;
- Parking; and
- Rehabilitation Areas.

4. INFORMATION REVIEW

A desktop review of available information on the site in respect of contamination has been undertaken.

4.1 Council Contaminated Land Investigation

Council records for each lot within the site identified no known potentially contaminating activities. The results of the Contaminated Land Investigation are provided herewith as Appendix A.

It is relevant to note that only approved land uses that have the potential to contaminate the site are recorded by Council.

4.2 Planning Certificate

Section 149 of the *Environmental Planning and Assessment Act 1979* (EPA Act) provides for Local Council Authorities to issue Planning Certificates with details of all planning issues relevant to particular parcels of land.

Cardno has obtained a Planning Certificates under Section 149 of the EPA Act for the site.

The Planning Certificates indicated that the Tweed Shire Council does not hold any records that suggest the site would contain contaminated land. A copy of the Planning Certificates obtained under Section 149 of the EPA Act are included as Appendix B.

The Planning Certificates acknowledges that Tweed Shire Council has not prepared any detailed information as to whether this land has been previously contaminated and there may be gaps in the information provided.

4.3 Licensed Activities

The public register established under Section *308 of the Protection of the Environment Operations Act 1997* (the POEO Act) contains:

- environment protection licences;
- applications for new licences and to transfer or vary existing licences;
- environment protection and noise control notices;
- convictions in prosecutions under the POEO Act;
- the results of civil proceedings;
- licence review information;
- exemptions from the provisions of the POEO Act or regulations;
- approvals granted under clause 9 of the POEO (Control of Burning) Regulation; and
- approvals granted under clause 7A of the POEO (Clean Air) Regulation.

The public register under section the POEO Act indicates whether any notifiable activities that require licensing pursuant to the POEO Act have been authorised for the site.

A search of the public register on 9 June 2008 under Section 308 of the POEO Act identified no records for the site.

Only licensed uses are documented in the public register and illegal uses that may cause contamination are not recorded.

4.4 Contaminated Land Record

The Contaminated Land Public Record is a searchable database of:

- actions taken by the EPA/DECC under sections 15, 17, 19, 21, 23, 26 or 28 of the *Contaminated Land Management Act 1997* (CLM Act);
- actions taken by the EPA/DECC under section 35 or 36 of the *Environmentally Hazardous Chemicals Act 1985* (EHC Act) * ;and
- site audit statements provided to the EPA under section 52 of the CLM Act on sites subject to an in-force declaration or order.

* Some notices under section 35 of the EHC Act 1985 were issued by the State Pollution Control Commission, which was the Government Agency responsible for managing contaminated sites before the EPA was established in 1992 in NSW.

Section 58 of the CLM Act requires the EPA/DECC to make available copies or details of these notices to the public.

Specifically, the notices in the record are:

- copies of declarations of land as investigation areas or remediation sites;
- copies of investigation orders;
- copies of remediation orders;
- copies of site audit statements provided to the EPA/DECC for site audits carried out for the purposes of a statutory requirement and relating to land that is subject to a declaration or order that is in force;
- notes of the existence of voluntary investigation or remediation proposals agreed to by the EPA/DECC; and
- copies of notices requiring the maintenance of remediation action.

A search of the Contaminated Land Record was undertaken on 9 June 2008 via the NSW DECC website. The site was not listed as having received a notice pursuant to the Contaminated Land Record. A copy of the records for sites listed within the Tweed Shire is included as Appendix C.

It is relevant to note that not all sites that may be contaminated have received a notice from the EPA/DECC under Section 58 of the CLM Act.

4.5 Topographic Mapping

The Council Contaminated Land Investigation outlined in Section 4.1 also included a search of relevant 1:25,000 and 1:50,000 topographic maps as follows:

- Brays Creek 9541-111-S 1:25,000 1975;

- Brays Creek 9541-111-S 1:25,000 1986;
- Brays Creek 9541-3-S 1:25,000 1986;
- Brays Creek 9541-3S 1:25,000 2002; and
- Tyalgum 9541-111 1:50,000 1969.

The topographic maps did not identify any potentially contaminating activities on the subject site prior to 1986.

Potential off site sources of contamination located on the topographic maps include the Kunghur Yards located on the northern banks of the Tweed River, approximately 1 km north east of the site at an elevation of approximately 80m AHD.

Mark Longbottom, Environmental Health Officer of Tweed Shire Council has indicated that the Kunghur Yards contain a Cattle Tick Dip, however, given the Kunghur Yards are located at a lower elevation and also downstream of the site, there is a low probability that any contamination associated with the Kunghur Yards Cattle Tick Dip would migrate to the site.

4.6 Historical Aerial Photography

An interrogation of historical aerial photography of the site was undertaken for the following years.

- 1954
- 1962
- 1971
- 1979
- 1991
- 2000
- 2004

These historical aerial photographs of the site are provided in Figure 2-Figure 8.

No aerial photographs were available prior to 1954.

The site was substantially cleared in the 1954 photograph and, given the amount of regrowth, it appears that little additional clearing has occurred since then. The extent of clearing in the 1954 photograph indicates that the site has been used for livestock grazing. The aerial photographs do not show any signs of potentially contaminating activities listed in Schedule 1 of the Policy.

5. CONCLUSION AND RECOMMENDATIONS

Information obtained from Council records, EPA/DECC records, historical aerial photography and topographical maps in relation to the history of potentially contaminating activities on the site was reviewed as part of this report. The available information is limited to providing information on documented and photographed landuses.

The available information shows no evidence of any known potentially contaminating activities on the site. No further investigations are recommended.

Due to the limitation in information, it is recommended that the management of construction activities for the Nightcap Village includes a defined strategy for the management of contaminated land, should evidence of contamination be identified during construction works. Such evidence may include visual or olfactory evidence or anecdotal information.

The strategy for managing any contamination identified during construction works should include the isolation of suspect material, testing as necessary to determine the nature and extent of contamination, and appropriate treatment or disposal of contaminated material as required.

FIGURES

Figure 1 **Locality Plan**

Figure 2 **Aerial Photograph of Site 1954**

Figure 3 **Aerial Photograph of Site 1962**

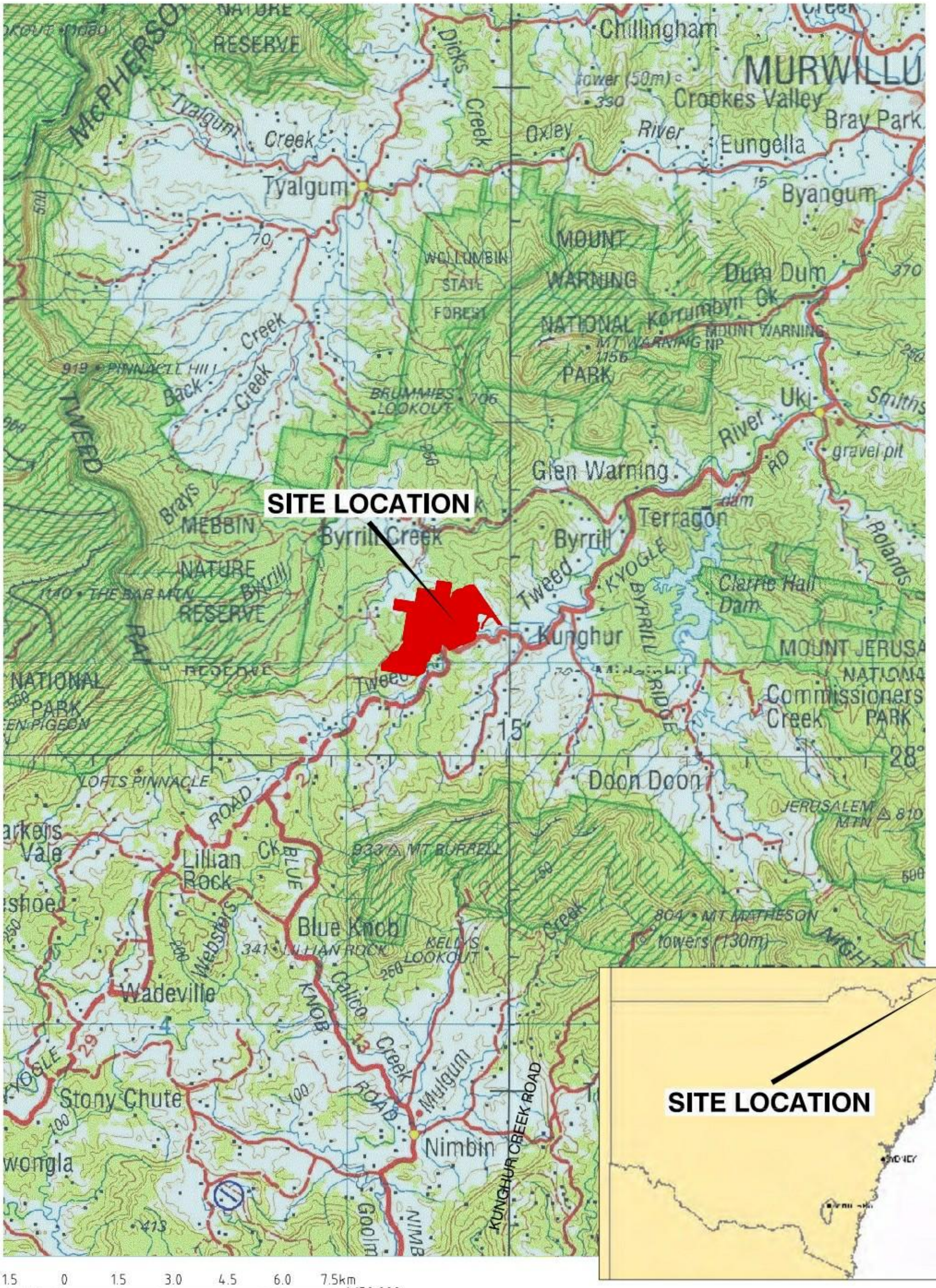
Figure 4 **Aerial Photograph of Site 1971**

Figure 5 **Aerial Photograph of Site 1979**

Figure 6 **Aerial Photograph of Site 1991**

Figure 7 **Aerial Photograph of Site 2000**

Figure 8 **Aerial Photograph of Site 2004**



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Scale 1:150,000 (A4)

FIGURE 1
LOCALITY PLAN

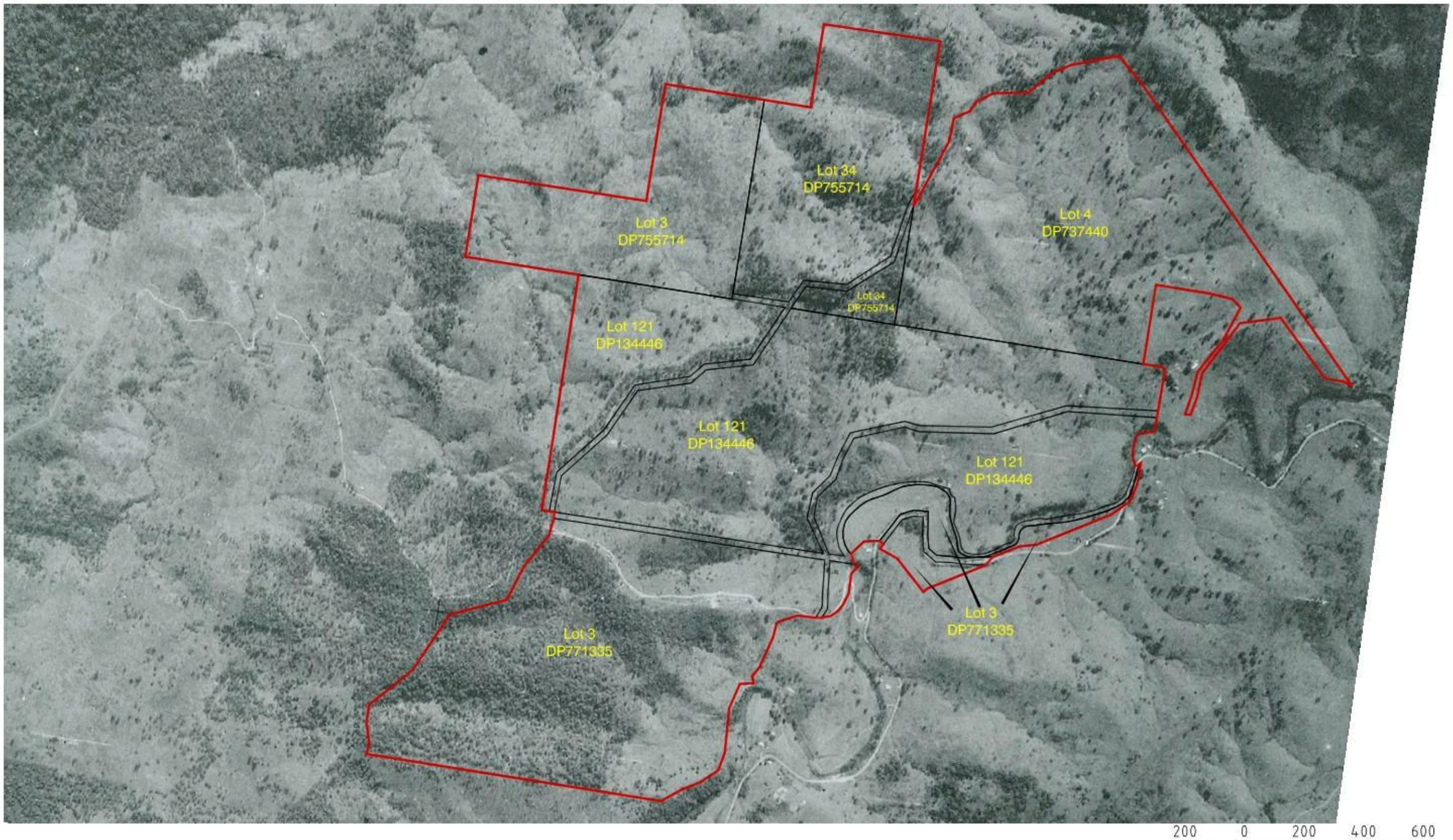
Rev: Orig. Date: 25 January 2008

Project No.: 3500/53

Peter Van Lieshout

PRINT DATE: 10 June, 2008 - 8:56am

CAD FILE: I:\3500-53\ACAD\Contaminated Land Assessment\Figure 1 - Locality Plan_v2.dwg
XREF's: xr-Cadastre_study_area MGA94; xr-NSW Topo Maps



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Scale 1:20,000(A4)

FIGURE 2
AERIAL PHOTOGRAPH OF SITE - 1954

LEGEND

Site boundary

Aerial photographs sourced from Department of Lands NSW,
Land Administration & Management Property & Spatial Information (Murwillumbah)

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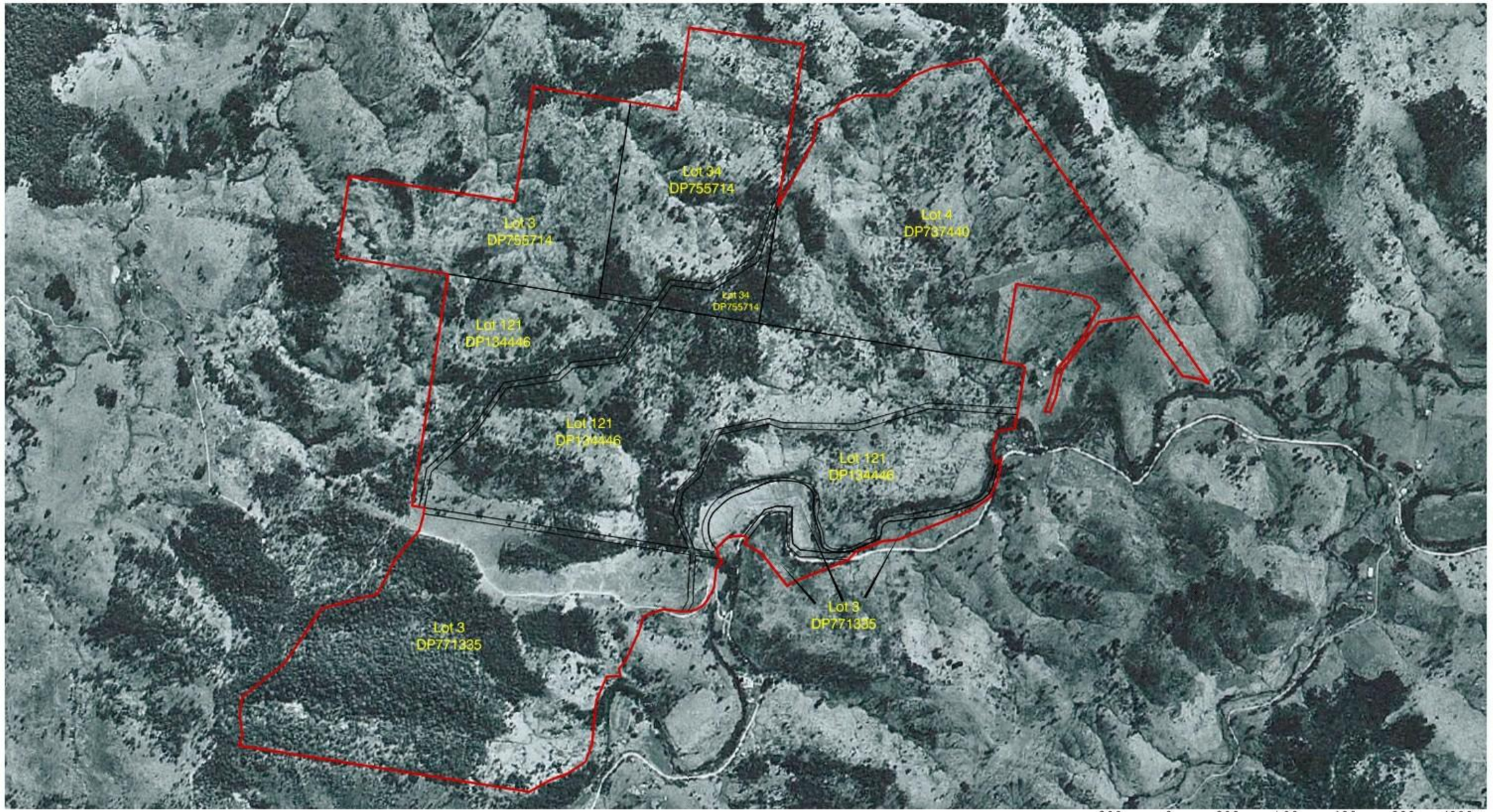
CAD FILE: I:\3500-53\ACAD\Contaminated Land Assessment\Figure 2to8 - Historical Aerial Photography_v3.dwg
XREF's:

PRINT DATE: 11 June, 2008 - 8:38am



Aerial photographs sourced from Department of Lands NSW,
Land Administration & Management Property & Spatial Information (Murwillumbah)

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LEGEND

Site boundary

Scale 1:20,000(A4)

FIGURE 3
AERIAL PHOTOGRAPH OF SITE - 1962

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Peter Van Lieshout

CAD FILE: I:\3500-53\ACAD\Contaminated Land Assessment\Figure 2to8 - Historical Aerial Photography_v3.dwg
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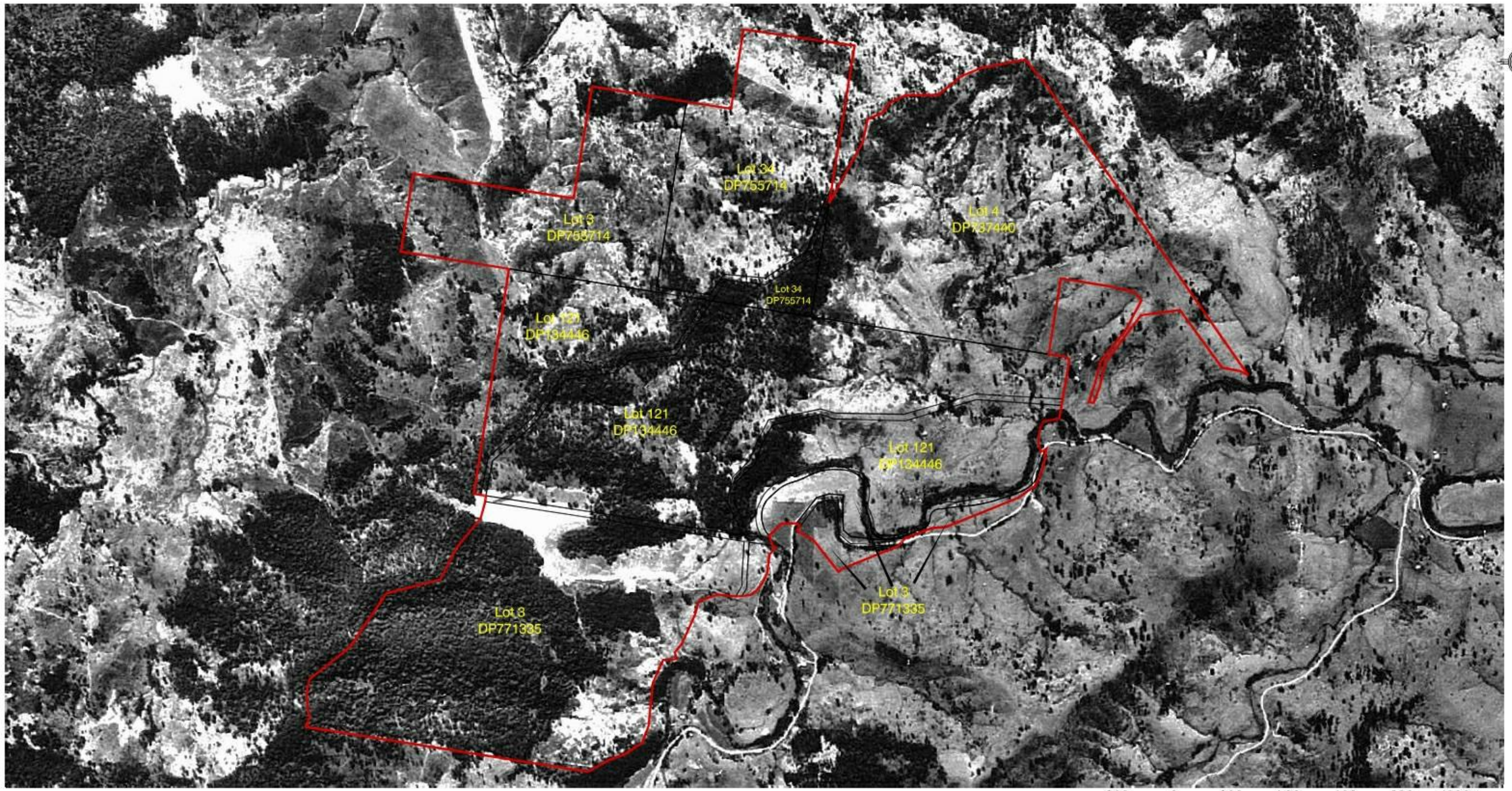
PRINT DATE: 11 June, 2008 - 8:42am



Aerial photographs sourced from Department of Lands NSW.
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LEGEND

Site boundary

Scale 1:20,000(A4)

FIGURE 4
AERIAL PHOTOGRAPH OF SITE - 1971

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Peter Van Lieshout

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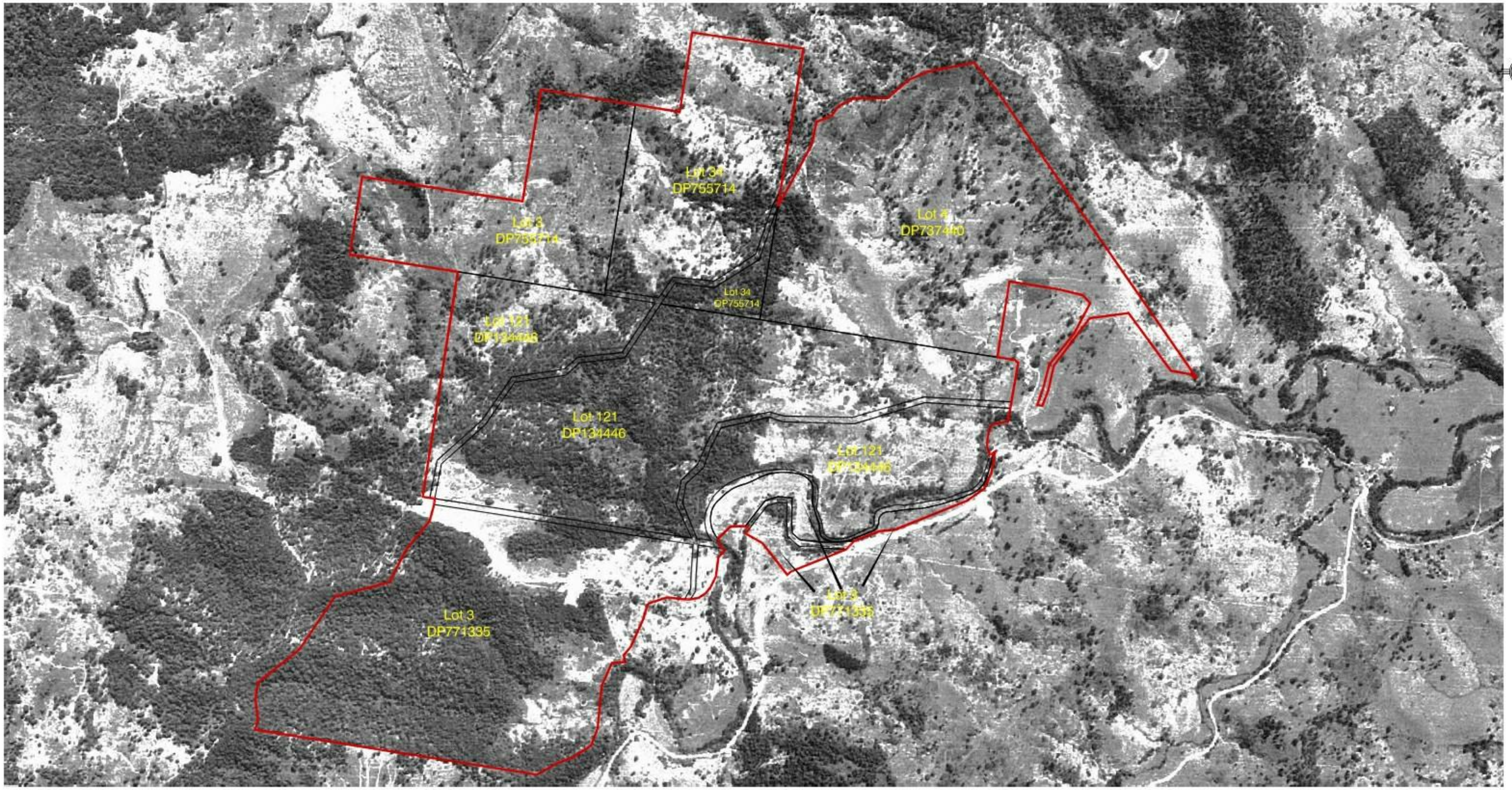
PRINT DATE: 11 June, 2008 - 8:42am



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Scale 1:20,000(A4)

FIGURE 5
AERIAL PHOTOGRAPH OF SITE - 1979

LEGEND

Site boundary

Aerial photographs sourced from Department of Lands NSW,
Land Administration & Management Property & Spatial Information (Murwillumbah)

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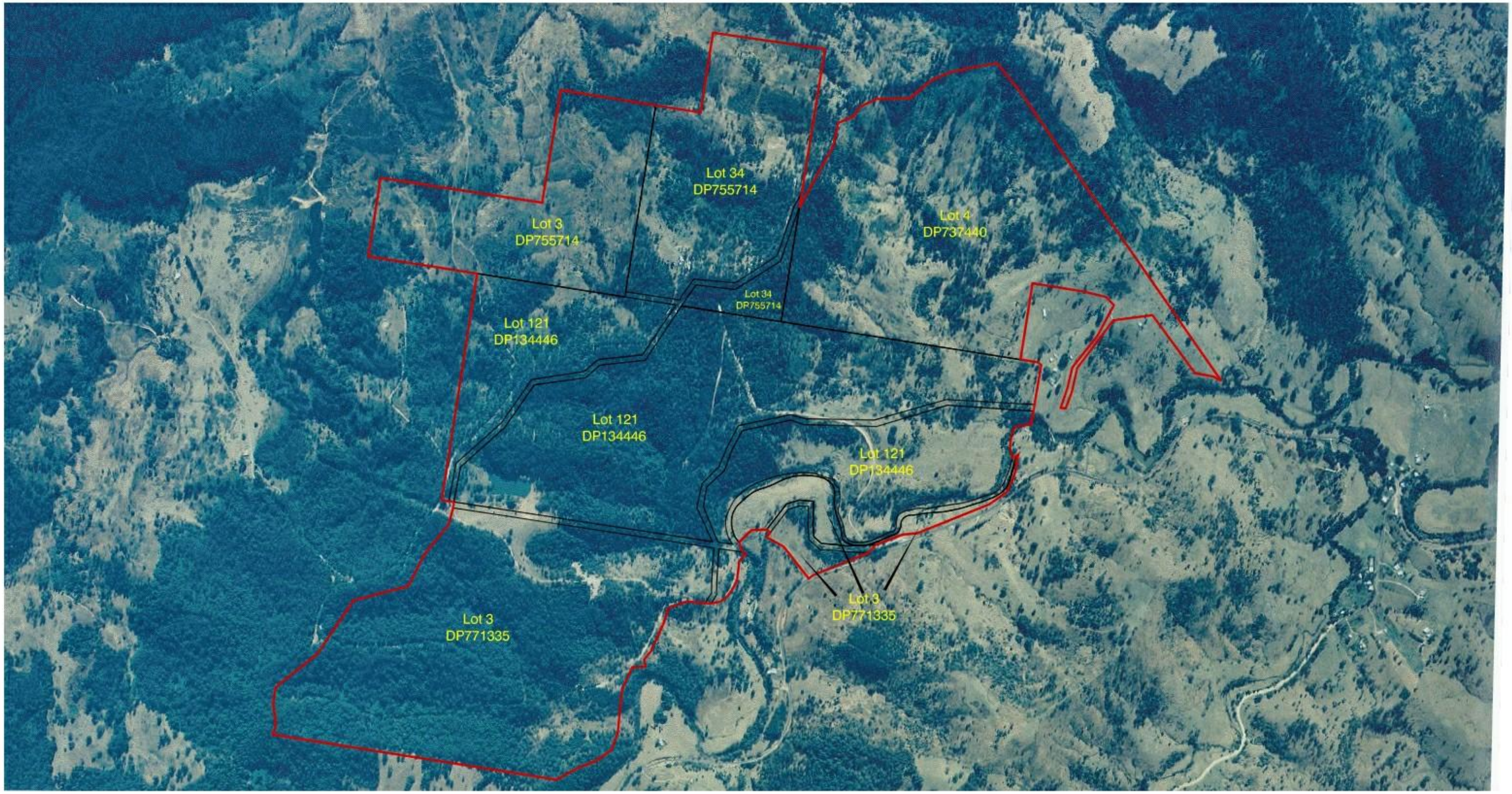
Peter Van Lieshout

CAD FILE: I:\3500-53\ACAD\Contaminated Land Assessment\Figure 2to8 - Historical Aerial Photography_v3.dwg
XREF's:

PRINT DATE: 11 June, 2008 - 8:42am



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1:20,000

Scale 1:20,000(A4)

FIGURE 6
AERIAL PHOTOGRAPH OF SITE - 1991

Aerial photographs sourced from Department of Lands NSW.
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Site boundary

Rev: Orig. Date: 27 May 2008

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Peter Van Lieshout

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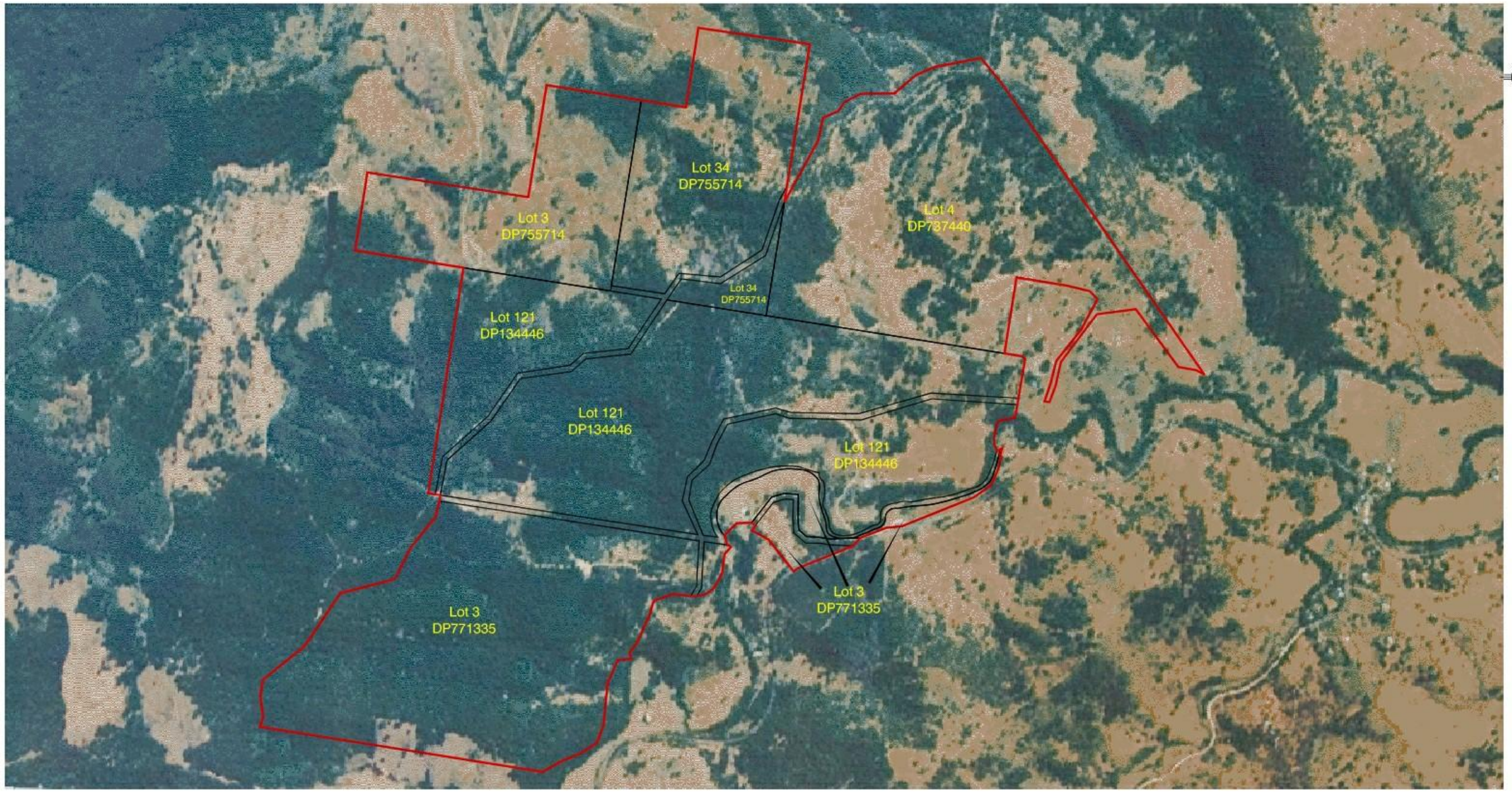
PRINT DATE: 11 June, 2008 - 8:42am



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Scale 1:20,000(A4)

FIGURE 7
AERIAL PHOTOGRAPH OF SITE - 2000

LEGEND

Site boundary

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Project No.: 3500/53

Peter Van Lieshout

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XREF's:

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Aerial photographs sourced from Department of Lands NSW,
Land Administration & Management Property & Spatial Information (Murwillumbah)

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LEGEND

Site boundary

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Scale 1:20,000(A4)

FIGURE 8
AERIAL PHOTOGRAPH OF SITE - 2004

Rev: Orig. Date: 27 May 2008

Project No.: 3500/53

Peter Van Lieshout

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XREF's:

PRINT DATE: 11 June, 2008 - 8:42am

APPENDIX A

Contaminated Lands Investigation

Lot 3 on DP 771335
Lot 121 on DP134446
Lot 4 on DP 737440
Lot 3 on DP755714
Lot 34 on DP755714

TWEED SHIRE COUNCIL

Please Quote Council Ref: PF2970/2290

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

Contaminated Lands Search Information Request
Lot 3 DP 771335, Kyogle Rd, Kunghur.

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document *'Guidelines for Consultants Reporting on Contaminated Sites 1997'*.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:
Dataworks File LN 20439
Topographical Maps PF2970/2290
Brays Creek 9541-111-S 1:25000 1975
Brays Creek 9541-111-S 1:25000 1986
Tyalgum 9541-111 1:50 000 1969

CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

TWEED SHIRE COUNCIL

Please Quote Council Ref: DA2970/2265

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

Contaminated Lands Search Information Request
Lot 121 DP 134446, Kyogle Rd, Kunghur.

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

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Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:
Dataworks LN 39731
File DA2970/2265
Topographical Maps Brays Creek 9541-111-S 1:25000 1975
Brays Creek 9541-111-S 1:25000 1986
Tyalgum 9541-111 1:50 000 1969

CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
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PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
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www.tweed.nsw.gov.au

TWEED SHIRE COUNCIL

Please Quote Council Ref: PF2970/2327/3

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) 6670 2440

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

Contaminated Lands Search Information Request
Lot 4 DP 737440, Kyogle Rd, Kunghur.

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

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Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

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Brays Creek 9541-111-S 1:25000 1986
Tyalgum 9541-111 1:50 000 1969

TWEED SHIRE COUNCIL

Please Quote Council Ref: LN: 20425, DA2970/2150

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

5 June 2008

Cherie O'Sullivan
Cardno
PO Box 388
TOOWONG QLD 4066

Contaminated Lands Search Information Request
Lot 3 DP 755714, Kyogle Rd, Kunghur.

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps and aerial photography referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document *'Guidelines for Consultants Reporting on Contaminated Sites 1997'*.

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:

Dataworks	LN 20425
File	DA2970/2150
Topographical Maps	Brays Creek 9541-3-S 1:25000 1986
	Brays Creek 9541-3S 1:25000 2002
	Tyalgum 9541-111 1:50 000 1969
Aerials	2007, 2004, 2001, 2000 and 1977 (10/12/77 run 2)

TWEED SHIRE COUNCIL

Please Quote Council Ref: LN: 20817, DA2970/3400

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

5 June 2008

Cherie O'Sullivan
Cardno
PO Box 388
TOOWONG QLD 4066

Contaminated Lands Search Information Request
Lot 34 DP 755714, Kyogle Rd, Kunghur.

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps and aerial photography referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document *'Guidelines for Consultants Reporting on Contaminated Sites 1997'.*

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

Ross Cameron
Manager Building & Environmental Health Services

References:

Dataworks	LN 20817
File	DA2970/3400
Topographical Maps	Brays Creek 9541-3-S 1:25000 1986
	Brays Creek 9541-3S 1:25000 2002
	Tyalgum 9541-111 1:50 000 1969
Aerials	2007, 2004, 2001, 2000 and 1977 (10/12/77 run 2)

APPENDIX B

Planning Certificates under Section 149 of the EPA Act

Lot 3 on DP 771335
Lot 121 on DP134446
Lot 4 on DP 737440
Lot 3 on DP755714
Lot 34 on DP755714